

P.L. 2025, CHAPTER 279, *approved January 17, 2026*
Assembly, No. 3451 (*Second Reprint*)

1 AN ACT concerning reinstatement of employees after taking family
2 leave and amending various parts of the statutory law.

3

4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 3 of P.L.1989, c.261 (C.34:11B-3) is amended to
8 read as follows:

9 3. As used in this act:

10 a. "Child" means a biological, adopted, foster child, or resource
11 family child, stepchild, legal ward, or child of a parent, including a
12 child who becomes the child of a parent pursuant to a valid written
13 agreement between the parent and a gestational carrier.

14 b. "Director" means the Director of the Division on Civil
15 Rights.

16 c. "Division" means the Division on Civil Rights in the
17 Department of Law and Public Safety.

18 d. "Employ" means to suffer or permit to work for
19 compensation, and includes ongoing, contractual relationships in
20 which the employer retains substantial direct or indirect control
21 over the employee's employment opportunities or terms and
22 conditions of employment.

23 e. "Employee" means a person who is employed for at least
24 ¹[12] ²[~~six~~¹] ~~three~~² months by an employer, with respect to whom
25 benefits are sought under this act, for not less than ¹[1,000]
26 ²[~~500~~¹] ~~250~~² base hours during the immediately preceding 12-
27 month period. Any time, up to a maximum of 90 calendar days,
28 during which a person is laid off or furloughed by an employer due
29 to that employer curtailing operations because of a state of
30 emergency declared after October 22, 2012, shall be regarded as
31 time in which the person is employed for the purpose of
32 determining eligibility for leave time under this act. In making the
33 determination, the base hours per week during the layoff or
34 furlough shall be deemed to be the same as the average number of
35 hours worked per week during the rest of the 12-month period.

36 f. "Employer" means a person or corporation, partnership,
37 individual proprietorship, joint venture, firm or company or other
38 similar legal entity which engages the services of an employee and
39 which:

EXPLANATION – Matter enclosed in bold-faced brackets **[thus]** in the above bill is
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SBA committee amendments adopted December 15, 2025.

²Assembly floor amendments adopted January 12, 2026.

1 (1) (Deleted by amendment, P.L.2019, c.37);

2 (2) (Deleted by amendment, P.L.2019, c.37);

3 (3) With respect to the period of time from the 1,095th day
4 following the effective date of P.L.1989, c.261 (C.34:11B-1 et seq.)
5 through June 30, 2019, employs 50 or more employees for each
6 working day during each of 20 or more calendar workweeks in the
7 then current or immediately preceding calendar year; ¹~~and~~¹

8 (4) With respect to any period of time ~~on or after~~ from June
9 30, 2019 until the effective date of P.L. , c. (pending before the
10 Legislature as this bill), employs 30 or more employees for each
11 working day during each of 20 or more calendar workweeks in the
12 then current or immediately preceding calendar year; ¹~~and~~¹

13 (5) With respect to any period of time after the effective date of
14 P.L. , c. (pending before the Legislature as this bill), employs
15 ¹~~[20] 15~~¹ or more employees for each working day during each of
16 20 or more calendar workweeks in the then current or immediately
17 preceding calendar year¹~~;~~

18 (6) With respect to any period of time after the 365th day
19 following the effective date of P.L. , c. (pending before the
20 Legislature as this bill), employs 10 or more employees for each
21 working day during each of 20 or more calendar workweeks in the
22 then current or immediately preceding calendar year; and

23 (7) With respect to any period of time after the 730th day after
24 the effective date of P.L. , c. (pending before the Legislature as
25 this bill), employs five or more employees for each working day
26 during each of 20 or more calendar workweeks in the then current
27 or immediately preceding calendar year¹~~].~~

28 "Employer" includes the State, any political subdivision thereof,
29 and all public offices, agencies, boards or bodies.

30 g. "Employment benefits" means all benefits and policies
31 provided or made available to employees by an employer, and
32 includes group life insurance, health insurance, disability insurance,
33 sick leave, annual leave, pensions, or other similar benefits.

34 h. "Parent" means a person who is the biological parent,
35 adoptive parent, foster parent, resource family parent, step-parent,
36 parent-in-law or legal guardian, having a "parent-child relationship"
37 with a child as defined by law, or having sole or joint legal or
38 physical custody, care, guardianship, or visitation with a child, or
39 who became the parent of the child pursuant to a valid written
40 agreement between the parent and a gestational carrier.

41 i. "Family leave" means leave from employment so that the
42 employee may provide care made necessary by reason of:

43 (1) the birth of a child of the employee, including a child born
44 pursuant to a valid written agreement between the employee and a
45 gestational carrier;

46 (2) the placement of a child into foster care with the employee
47 or in connection with adoption of such child by the employee;

- 1 (3) the serious health condition of a family member of the
2 employee; or
- 3 (4) in the event of a state of emergency declared by the
4 Governor, or when indicated to be needed by the Commissioner of
5 Health or other public health authority, an epidemic of a
6 communicable disease, a known or suspected exposure to the
7 communicable disease, or efforts to prevent spread of a
8 communicable disease, which:
- 9 (a) requires in-home care or treatment of a child due to the
10 closure of the school or place of care of the child of the employee,
11 by order of a public official due to the epidemic or other public
12 health emergency;
- 13 (b) prompts the issuance by a public health authority of a
14 determination, including by mandatory quarantine, requiring or
15 imposing responsive or prophylactic measures as a result of illness
16 caused by an epidemic of a communicable disease or known or
17 suspected exposure to the communicable disease because the
18 presence in the community of a family member in need of care by
19 the employee, would jeopardize the health of others; or
- 20 (c) results in the recommendation of a health care provider or
21 public health authority, that a family member in need of care by the
22 employee voluntarily undergo self-quarantine as a result of
23 suspected exposure to a communicable disease because the presence
24 in the community of that family member in need of care by the
25 employee, would jeopardize the health of others.
- 26 j. "Family member" means a child, parent, parent-in-law,
27 sibling, grandparent, grandchild, spouse, domestic partner, or one
28 partner in a civil union couple, or any other individual related by
29 blood to the employee, and any other individual that the employee
30 shows to have a close association with the employee which is the
31 equivalent of a family relationship.
- 32 k. "Reduced leave schedule" means leave scheduled for fewer
33 than an employee's usual number of hours worked per workweek
34 but not for fewer than an employee's usual number of hours worked
35 per workday, unless agreed to by the employee and the employer.
- 36 l. "Serious health condition" means an illness, injury,
37 impairment, or physical or mental condition which requires:
- 38 (1) inpatient care in a hospital, hospice, or residential medical
39 care facility; or
- 40 (2) continuing medical treatment or continuing supervision by a
41 health care provider.
- 42 m. "State of emergency" means a natural or man-made disaster
43 or emergency for which a state of emergency has been declared by
44 the President of the United States or the Governor, or for which a
45 state of emergency has been declared by a municipal emergency
46 management coordinator.

1 n. "Health care provider" means a duly licensed health care
2 provider or other health care provider deemed appropriate by the
3 director.

4 (cf: P.L.2020, c.23, s.1)

5
6 2. Section 24 of P.L.2019, c.37 (C.43:21-55.2) is amended to
7 read as follows:

8 24. a. Any covered individual who took any temporary disability
9 benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.), or family
10 temporary disability leave benefits pursuant to P.L.2008, c.17
11 (C.43:21-39.1 et al.), shall, upon the expiration of the leave, be
12 entitled to be restored by the employer to the position held by the
13 employee when the leave commenced or to an equivalent position
14 of like seniority, status, employment benefits, pay, and other terms
15 and conditions of employment, except that nothing in this section or
16 any section of P.L.2008, c.17 (C.43:21-39.1 et al.) shall be
17 construed as increasing, reducing or otherwise modifying any
18 entitlement provided to a worker by the provisions of the "Family
19 Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) to be restored to
20 employment by the employer after a period of family temporary
21 disability leave. The employee shall retain all rights under any
22 applicable layoff and recall system, including a system under a
23 collective bargaining agreement, as if the employee had not taken
24 the leave.

25 b. An employer shall not discharge, harass, threaten, or
26 otherwise discriminate or retaliate against an employee with respect
27 to the compensation, terms, conditions, or privileges of employment
28 on the basis that the employee requested or took any temporary
29 disability benefits pursuant to P.L.1948, c.110 (C.43:21-25 et al.),
30 or family temporary disability leave benefits pursuant to P.L.2008,
31 c.17 (C.43:21-39.1 et al.), including retaliation by refusing to
32 **[restore]** reinstate the employee to employment following a period
33 of leave**],** except that, pursuant to section 2 of P.L.1948, c.110
34 (C.43:21-26), nothing in this section or any other section of
35 P.L.1948, c.110 (C.43:21-25 et al.) or P.L.2008, c.17 (C.43:21-39.1
36 et al.) shall be construed as increasing, reducing or otherwise
37 modifying any entitlement provided to a worker by the provisions
38 of the "Family Leave Act," P.L.1989, c.261 (C.34:11B-1 et seq.) to
39 be restored to employment by the employer after a period of family
40 temporary disability leave**],** if, and as, required by subsection a. of
41 this section.

42 **[b.]** c. Upon a violation of subsection a. or b. of this section,
43 an employee or former employee may, as an alternative to any
44 action that the employee is permitted to take for the violation
45 pursuant to the provisions of P.L.1948, c.110 (C.43:21-25 et al.),
46 P.L.2008, c.17 (C.43:21-39.1 et al.), or the "Family Leave Act,"
47 P.L.1989, c.261 (C.34:11B-1 et seq.), institute a civil action in the

1 Superior Court for relief **【. All】** in which all remedies available in
2 common law tort actions shall be available to a prevailing plaintiff.

3 The court may also order any or all of the following relief:

4 (1) an assessment of a civil fine of not less than \$1,000 and not
5 more than \$2,000 for the first violation of any of the provisions of
6 this section and not more than \$5,000 for each subsequent violation;

7 (2) an injunction to restrain the continued violation of any of the
8 provisions of this section;

9 (3) reinstatement of the employee to the same position or to a
10 position equivalent to that which the employee held prior to
11 unlawful discharge or retaliatory action, or other failure to reinstate
12 the employee in violation of this section;

13 (4) reinstatement of full fringe benefits and seniority rights;

14 (5) compensation for any lost wages, benefits and other
15 remuneration; and

16 (6) payment of reasonable costs and attorney's fees.

17 d. An employee who is eligible for both earned sick leave
18 pursuant to P.L.2018, c.10 (C.34:11D-1 et seq.), and either
19 temporary disability benefits pursuant to P.L.1948, c.110 (C.43:21-
20 25 et al.), or family temporary disability leave benefits pursuant to
21 P.L.2008, c.17 (C.43:21-39.1 et al.) shall have the option of using
22 either the earned sick leave or whichever is applicable of temporary
23 disability benefits or family temporary disability leave benefits, and
24 may select the order in which the different kinds of leave are taken,
25 but shall not receive more than one kind of paid leave
26 simultaneously during any period of time.

27 (cf: P.L.2019, c.37, s.24)

28
29 3. This act shall take effect ¹**【immediately】** six months
30 following enactment¹.

31
32
33
34
35 Revises law concerning family leave to extend protection by
36 reducing employee threshold from 30 employees to 15 employees in
37 definition of employer.